

damage allegedly suffered at Plaintiffs' home located at 916 Rambler Street, Albany, Texas 76430. *See* Exhibit "A - 1".

3. Citation was issued and State Auto was served with the suit on November 2, 2016. *See* Exhibit "A - 5" and Affidavit of Frank Nania, attached as Exhibit "B". Citation was issued to Stivers and Stivers was served with the suit on November 11, 2016. *See* Exhibit "A - 6" and Affidavit of Jennifer Stivers, attached as Exhibit "C." State Auto and Stivers file this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

4. Plaintiffs have not filed any amended pleadings and no additional parties have been joined. The State Court has indicated that no docket sheet exists.

II.

REMOVAL BASED ON DIVERSITY JURISDICTION

5. Pursuant to 28 U.S.C. §1332(a), State Auto and Stivers remove this case as it involves a controversy between parties of diverse citizenship and an amount in controversy that exceeds \$75,000.

6. Plaintiffs are citizens of Texas. *See* Exhibit "A - 1". State Auto is a foreign corporation organized under the laws of the state of Iowa with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See* Exhibit "B". Stivers is a citizen of Ohio residing at 2264 Shawnee Trail, Circleville, Ohio 43113. *See* Exhibit "C."

7. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a). Plaintiffs' Original Petition seeks "monetary relief over \$100,000 but not more than \$200,000." *See* Exhibit "A - 1".

8. State Auto and Stivers are the only defendants in this action; therefore, no consent is needed for the removal of this case to federal court.

9. An Index of Exhibits is attached as Exhibit "A". Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as Exhibits "A - 1" through "A - 6", as required by 28 U.S.C. §1446(a).

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this District and within this Division.

11. State Auto will promptly file a copy of this Notice of Removal with the clerk of the court in the pending State Court Action.

III.
JURY DEMANDED

12. Plaintiffs demanded a jury in the State Court Action.

IV.
PRAYER

WHEREFORE PREMISES CONSIDERED, Defendants pray that this case be removed to the United States District Court for the Northern District of Texas, Abilene Division, and that further proceedings in the State Court Action be discontinued, and that this Court assume full jurisdiction over such action as provided by law.

Respectfully submitted,

/s/ Sterling Elza

Sterling Elza

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**ATTORNEY FOR DEFENDANTS,
STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY AND JENNIFER
STIVERS**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the Plaintiffs, by serving counsel of record, Gregory F. Cox, Mostyn Law, 6280 Delaware Street, Beaumont, Texas 77706, (409) 832-2703, and Molly K. Bowen, Mostyn Law, 3810 W. Alabama Street, Houston, Texas 77027 (713) 714-1111, via fax and certified mail, return receipt requested, on this the 22nd day of November, 2016.

/s/ Sterling Elza

Sterling Elza